

1	Introduction and first reading:	12/14/10
2	Public hearing:	12/18/10
3	Second reading and enactment:	12/18/10

INFORMATION ON PROPOSED ORDINANCE

7 Title

9 AN ORDINANCE authorizing the tenant of the property located at 818 North St. Asaph
10 Street (parcel address 600 Montgomery Street) in the City of Alexandria, Virginia to
11 construct and maintain an encroachment for outdoor restaurant seating at that
12 location.

14 Summary

16 The proposed ordinance permits the restaurant located at 818 North St. Asaph Street
17 (parcel address 600 Montgomery Street) to establish outdoor seating in the adjacent
18 sidewalk area.

20 Sponsor

23 Staff

25 Faroll Hamer, Director, Planning & Zoning
26 James L. Banks, Jr., City Attorney
27 Joanna C. Frizzell, Assistant City Attorney

29 Authority

31 §2.04(e), Alexandria City Charter

33 Estimated Costs of Implementation

35 None

37 Attachments in Addition to Proposed Ordinance and its Attachments (if any)

39 None

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ORDINANCE NO. _____

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AN ORDINANCE authorizing the tenant of the property located at 818 North St. Asaph Street (parcel address 600 Montgomery Street) in the City of Alexandria, Virginia to construct and maintain an encroachment for outdoor restaurant seating at that location.

WHEREAS, Maria Quilla is the Tenant (“Tenant”) of the property located at 818 North St. Asaph Street (parcel address 600 Montgomery Street) in the City of Alexandria, Virginia; and

WHEREAS, Tenant desires to establish and maintain outdoor restaurant seating which will encroach into the public sidewalk right-of-way at that location; and

WHEREAS, the public sidewalk right-of-way at that location will not be significantly impaired by this encroachment; and

WHEREAS, in Encroachment No. 2010-0006, the Planning Commission of the City of Alexandria recommended approval to the City Council subject to certain conditions at one of its regular meetings held on October 5, 2010, which recommendation was approved by the City Council at its public hearing on October 16, 2010; and

WHEREAS, it has been determined by the Council of the City of Alexandria that this encroachment is not detrimental to the public interest; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Tenant be, and the same hereby are, authorized to establish and maintain an encroachment into the public sidewalk right-of-way 818 North St. Asaph Street (Parcel Address: 600 Montgomery Street) as shown in the attached Encroachment Exhibit (Exhibit A), in the City of Alexandria, said encroachment consisting of outdoor restaurant seating, until the encroachment is removed or destroyed or the authorization to maintain it is terminated by the city; provided, that this authorization to establish and maintain the encroachment shall not be construed to relieve Tenant of liability for any negligence on their part on account of or in connection with the encroachment and shall be subject to the provisions set forth below.

Section 2. That the authorization hereby granted to establish and maintain said encroachment shall be subject to and conditioned upon Tenant maintaining, at all times and at their own expense, liability insurance, covering both bodily injury and property damage, with a company authorized to transact business in the Commonwealth of Virginia and with minimum limits as follows:

Bodily Injury:	\$1,000,000 each occurrence
	\$1,000,000 aggregate

1 Section 5. That the authorization herein granted to establish and maintain the
2 encroachment shall be subject to Tenant maintaining the area of the encroachment at all times
3 unobstructed and free from accumulation of litter, snow, ice and other potentially dangerous
4 matter.

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6 Section 6. That nothing in this ordinance is intended to constitute, or shall be
7 deemed to be, a waiver of sovereign immunity by or on behalf of the City of Alexandria or any
8 of its officers or employees.

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10 Section 7. That the authorization herein granted to establish and maintain the
11 encroachment shall be terminated whenever the City of Alexandria desires to use the affected
12 public right-of-way for any purpose whatsoever and, by written notification, demands from
13 Tenant the removal of the encroachment. Said removal shall be completed by the date specified
14 in the notice and shall be accomplished by Tenant without cost to the city. If Tenant cannot be
15 found, or shall fail or neglect to remove the encroachment within the time specified, the city shall
16 have the right to remove the encroachment, at the expense of Tenant, and shall not be liable to
17 Tenant for any loss or damage to the structure of the encroachment or personal property within
18 the encroachment area, caused by the removal.

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20 Section 8. The term "Tenant" shall be deemed to include Maria Quilla and her
21 respective successors in interest to the tenancy at 818 North St. Asaph Street (parcel address 600
22 Montgomery Street).

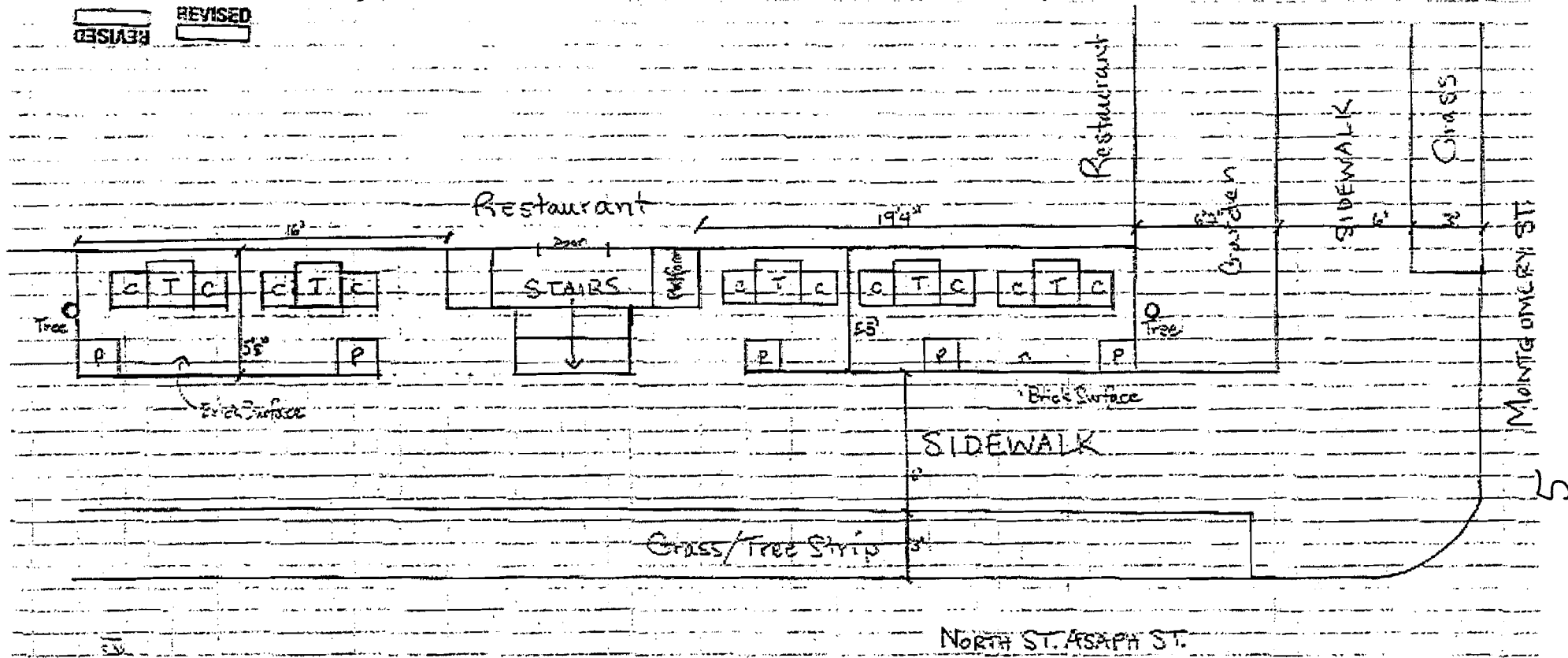
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24 Section 9. That this ordinance shall be effective upon the date and at the time of its
25 final passage.

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28 WILLIAM D. EUILLE
29 Mayor

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31 Attachment: Encroachment Exhibits

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33 Introduction: 12/14/10
34 First Reading: 12/14/10
35 Publication:
36 Public Hearing:
37 Second Reading:
38 Final Passage:

REVISED
REVISED



Staff Assisted
Outdoor Dining Plan
Villa d'Este Restaurant
9/15/2010 Rev 9/30/2011

